



Duty of Care Policy

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PURPOSE

To ensure that Macedon Primary staff have an adequate awareness and understanding of their duty of care obligations and responsibilities to provide adequate supervision to students. To ensure that Macedon Primary staff conduct themselves at all times consistently with these legal obligations and responsibilities.

POLICY

Principals and teachers have a special duty of care in relation to their students to take steps that are reasonable in the circumstances to protect students from risks of injury that should reasonably have been foreseen. "Duty of care" is a legal obligation that requires schools to take reasonable steps to reduce the risk of reasonably foreseeable harm, which can include personal injury (physical or psychological) or damage to property. This duty includes the duty to provide an adequate system of supervision.

The duty is not to prevent injury in all circumstances – it is a duty to take reasonable steps to prevent injury which is known or foreseeable. The question of what are reasonable steps will depend on the individual circumstances of the case, and consideration of the following factors:

- The probability that the harm would occur if care were not taken
- The likely seriousness of the harm
- The burden of taking precautions to avoid the risk of harm
- The social utility of the activity that creates the risk of harm

The duty may, in some circumstances, extend outside school hours and outside the school premises. This will depend on whether the relationship between staff and student extends to the individual circumstances, whether the risk was known or foreseeable, and whether there were any reasonable steps that could be taken to prevent the injury from occurring.

The duty is non-delegable, meaning that it cannot be assigned to another party.

Our school has developed policies and procedures to manage common risks in the school environment, including:

- Yard duty and Supervision
- Anti-Bullying Prevention
- Camps and Excursions
- Medications and First Aid
- Working with Children and Suitability Checks
- Tree Maintenance

- Grounds Maintenance
- Student Private Property
- Child Safe Standards
- Welfare
- External Providers (including RTOS delivering VET/VCAL)
- Emergency Management
- Volunteers
- Visitors and External Providers
- Working with Children and Suitability Checks
- Mandatory Reporting
- Occupational Health and Safety
- Anaphylaxis
- Asthma Management
- Behaviour Management
- Critical Incident
- Dogs at School
- ICT and Internet
- Mobile phones
- Privacy
- Sun Smart

Staff at our school understand that school activities involve different levels of risk and that particular care may need to be taken to support younger students and/or students with additional needs. Our school also understands that it is responsible for ensuring that the school premises are kept in good repair and will take reasonable steps to reduce the risk of members of our community suffering injury or damage because of the state of the premises.

School staff, parents, carers and students are encouraged to speak to the principal to raise any concerns about risks or hazards at our school, or our duty of care obligations.

Supervision Guidelines

The Principal is responsible for ensuring that there is an adequate system of supervision in place during school hours, before and after school, and on school excursions and camps.

Teachers and other school staff are responsible for following reasonable and lawful instructions from the Principal, including instructions to provide supervision to students at specific dates, times and places.

The school has developed procedures for appropriate supervision of children for the following:

Before School & After School

At Macedon Primary supervision at the beginning of the school day will commence at 8.45am. Supervision at the end of the school day will be provided until 3.45pm. Before and after school duty is organised by the Principal via the yard duty roster.

Classroom

The classroom teacher has ultimate responsibility for the supervision of all students in their care; this includes specialist subjects. This duty cannot be delegated to external education providers, parents or trainee teachers. No student should be left unsupervised at any time.

Recess and Lunch Times

The Principal is responsible for ensuring that students are adequately supervised during recess and lunch. This involves developing a roster for staff to supervise students in the designated area for the time indicated on the roster. Teachers have a responsibility to be in the designated area at their rostered times throughout the week. Teachers are required to wear a high-visibility vest, carry a first aid bag and walkie-talkie.

Wet, Windy and Hot Days

The Principal or next in charge will make a decision as early as possible if the weather becomes too wet, windy or hot with children returning to classrooms for inside supervision.

Late arrivals and early departures

The school has a procedure in place for the safe collection and drop off of students at school during school hours (eg late arrival or an early departure). All late arrivals and early departures must be signed in/out and co-ordinated through the office. This will include recording key information in the late arrivals and early leaver's folder.

Visitors

There is a procedure to monitor all visitors in the school. All visitors must wear a visitor's badge upon signing in at the office. This enables the school to keep track of all visitors in case of an emergency situation. All visitors are required to present their current 'Working with Children Check' to the office to be copied for office records.

Use of information and communication technologies

Teachers and other staff have a responsibility to reasonably supervise the use of information and communication technologies, and the use of the internet within the classroom environments. In doing so, teachers and other staff should be guided by the school's ICT/Internet Policy/Procedures and Acceptable Use Agreement for Internet and Digital Technologies

Incursions

Teachers must continue to supervise their students even whilst a visitor, speaker or instructor is presenting to the class; the class guest cannot be left alone with students at any time.

Excursions and camps

The Principal must ensure that students participating in excursions and camps are appropriately supervised. Supervision can be provided by teachers, education support officers, trainee teachers, volunteer parents and carers, campsite staff and specialist instructors.

The *Schools Policy and Advisory Guide* provide minimum requirements for staff-student ratios. However, Principals should determine the appropriate and effective level of supervision for each individual excursion or camp, taking into account the following:

- The experience, qualifications and skills of staff
- The age, maturity, physical characteristics and gender of the students
- The size of the group
- The nature and location of the excursion / camp
- The activities to be undertake
- The outcomes of the relevant risk assessment documents completed by the school's Year level Camp Co-ordinator

Any person who supervises students on an excursion or camp must have a Working With Children Check. Prior to the commencement of the excursion or camp, the Principal must appoint a leader of the camp/excursion who will ensure roles and responsibilities are clearly understood by all staff attending.

Middle Gully Reserve

When students are at Middle Gully the supervising teacher has ultimate responsibility for students within their care. Education support staff and volunteers can be utilised to assist with supervision of group activities with the teacher providing clear expectations for student behaviour and actions. Any volunteers who are assisting with group activities must have a Working With Children Check.

Roles and Responsibilities

The Principal will:

- Regularly communicate the duty of care and supervision obligations and responsibilities to all staff
- Communicate the supervision arrangements to parents
- Determine the level of student supervision to be provided to students in all of the circumstances
- Allocate specific responsibilities to staff members to provide the supervision that is required
- Review the level of student supervision provided to students and make adjustments when deemed appropriate
- Review the Supervision and Duty of Care Policy to ensure that it is consistent with the Department of Education (DET) *School Policy and Advisory Guide*, and continues to meet the duty of care obligations and responsibilities for all students

Teachers and other staff will:

- Comply with the lawful and reasonable directions of the Principal
- Comply with all DET and school policies
- Perform supervisory duties as outlined in this policy and procedures

Parents, guardians and carers will:

- Make appropriate arrangements for the transport, care and supervision of students travelling to and from school

- Make appropriate arrangements for the care and supervision of students outside the times of supervision before and after school
- Comply with late arrival and early departure procedures and all other procedures outlined in this policy related to volunteer work

Related School Policies

This policy should be read and understood in conjunction with (but not limited to) the following school policies:

- Excursion, Camps and Incursion policy
- ICT/Internet policy and procedures

Appendix A - Supervision Procedures

Before School & After School

Supervision at the beginning of the school day includes:

- Classroom supervision at 8:50 am
- A staff member in the yard at 8.45am
- OSHC children are released at 8:45 and walked over to the main building
- If a student is on the school grounds outside of these hours, the Principal will make contact with the parent/guardian to discuss alternative arrangements.

Supervision at the end of the school day includes:

- A staff member in the yard from 3:30-3:45
- An announcement will be made directing any children who are still waiting to be picked up to report to the office.
- Foundation and Year 1 students who are attending OSHC, will be picked up from their classroom at 3:30.

If a parent, guardian or carer (or other authorised person) has failed to collect the student/s after school, the next steps may include some or all of the following:

- Attempting to contact the parents, guardians or carers whilst the student/s wait in the foyer
- Attempting to contact the emergency contacts
- Placing the student in the OSHC program after 3:45pm
- Contacting Victoria Police and/or the Department of Human Services (Child Protection) to arrange for the supervision, care and protection of the student

Classroom

The classroom teacher has ultimate responsibility for the supervision of all students in their care, this includes specialist subjects. This duty cannot be delegated to external education providers, parents or trainee teachers. In addition, no student should be left unsupervised outside of the classroom as a withdrawal consequence for misbehaviour. Withdrawal from the classroom is only to occur in accordance with the school's Behaviour Management Policy and Procedures.

If a teacher needs to leave the classroom unattended at any time during a lesson, he or she is required to contact the office for assistance. The teacher should then wait until alternate supervision is being provided prior to leaving the classroom. This ensures students are continually supervised.

Recess and Lunch Times

The Principal is responsible for ensuring that students are adequately supervised during recess and lunch. This involves developing a roster for staff to supervise students in the designated area for the time indicated on the roster. The Principal is responsible for preparing and communicating the yard duty roster on a semester basis. The designated yard duty areas are: Middle Gully Reserve, Zone 1 (Oval, adventure track and the back of the JCB) and Zone 2 (Rotunda, play equipment, bike shed and basketball court).

Teachers who are rostered for duty are responsible for remaining in the designated area until the end of the break period, or until replaced by the next rostered teacher, whichever is applicable. Teachers are required to wear their high-visibility vests for ease of sight. During yard duty, supervising teachers should be guided by the following:

- If the designated area is large in size, teachers are expected to methodically move around the area rather than remain static in the one position. This increases the ability to appropriately monitor student activity.
- Be alert and vigilant
- Intervene if potentially dangerous behaviour is observed in the yard
- Enforce behaviour standards and implement logical consequences for breaches of safety rules consistent with the school's Behaviour Management Policy and Procedures.
- Ensure that students who require first aid assistance receive it as soon as practicable
- Ensure that they have the first aid backpack with the emergency alerts attached and a walkie talkie to communicate to the office.

If the supervising teacher is unable to conduct yard duty at the designated time, he or she should contact the office to ensure that alternative arrangements are made.

If the supervising teacher needs to leave yard duty during the allocated time, he or she should contact the office, but should not leave the designated area until the relieving teacher has arrived in the designated area.

If a relieving teacher does not arrive for yard duty, the teacher currently on duty should send a message to the office, but not leave the designated area until a relieving teacher has arrived in the designated area.

Wet, Windy and Hot Days

At Macedon Primary School, the Principal or next in charge will make a decision as early as possible if the weather becomes too wet, windy or hot with children returning to classrooms for inside supervision.

The procedure will be the following:

- Children will go to their own classroom quietly and calmly
- Find something quiet and passive to do
- Leave classroom doors in main building open.

- No computers are to be used
- Children are allowed to stay in their own classroom unless adjacent classroom teachers have made a prior arrangement to open adjoining doors and share activities
- No ball games , dress ups and chasey etc. in corridor
- Doors to main building and John Curtin Building must be closed during recess and lunch.

Late Arrival or Early Departure

The school has a procedure in place for the safe collection and drop off of students at school during school hours (eg late arrival or an early departure). All late arrivals and early departures must be co-ordinated through the office. This will include recording key information in the late arrivals and early leaver's book of the date and time, the reason for the late arrival or early departure, and the person who has authorised the late arrival or early departure. Parents must collect the relevant pass from the book to present to the supervising teacher.

In relation to early departure from school, the procedure will also include:

- Students will be only permitted to leave the school premises under the supervision of a parent or another person authorised by parents to collect the student
- If the person collecting the student is unknown to school staff, school staff will request photo identification to verify the person's identity

Visitors

There is a procedure to monitor all visitors in the school. All visitors must wear a visitors badge upon signing in at the office. As a minimum this procedure must require all visitors arriving and departing the school premises during school hours to use a visitors' book to record their name, their signature, the date and time, and the purpose of the visit.

Use of Information and Communication Technologies

Teachers and other staff have a responsibility to reasonably supervise the use of information and communication technologies, and the use of the internet within the classroom environments. In doing so, teachers and other staff should be guided by the schools ICT/Internet Policy/Procedures and Acceptable Use Agreement for Internet and Digital Technologies

It is important to note that:

- It is not reasonable or practicable for a teacher or Principal to inspect every website that will be accessed by a student. The nature of the Internet means that there can be no guarantee against inappropriate content or changing circumstances in website content.
- It is not reasonable or practicable for a teacher or Principal to supervise an online learning environment 24 hours a day.

The Principal and teachers are expected to respond to an online incident that impacts on students at the school as soon as they have knowledge of its occurrence.

Incursions

Teachers must continue to supervise their students even whilst a visitor, speaker or instructor is presenting to the class; the class guest cannot be left alone with students at any time.

Visitors, speakers and instructors should not be responsible for supervising students on the school premises. Teachers are responsible to monitor the language and actions to ensure they are age appropriate and respectful.

Excursions and Camps

The Principal must ensure that students participating in excursions and camps are appropriately supervised. Supervision can be provided by teachers, education support officers, trainee teachers, volunteer parents and carers, campsite staff and specialist instructors.

The *Schools Policy and Advisory Guide* provide minimum requirements for staff-student ratios. However, the Principal should determine the appropriate and effective level of supervision for each individual excursion or camp, taking into account the following:

- The experience, qualifications and skills of staff
- The age, maturity, physical characteristics and gender of the students
- The size of the group
- The nature and location of the excursion / camp
- The activities to be undertaken

Most excursions and camps must:

- Be under the direct control of a teacher with at least one other excursion staff member present
- Have enough teachers to maintain appropriate control of the excursion and each activity
- Have teachers comprising at least half of the excursion staff

Any volunteer who supervises students on an excursion or camp must have a Working With Children Check.

Prior to the commencement of the excursion or camp, the Principal must appoint a leader of the camp/excursion who will ensure roles and responsibilities are clearly understood by all staff attending.

The supervision of students on a camp or excursion will include the following:

- Retaining copies of all confidential medical forms and permissions slips for each student who is participating in the excursion or camp.
- Regularly marking off the attendance of students – this may include at the beginning of the excursion, on the transport, and at each location and activity.
- Ensuring that the venue, transport and activities conducted adhere to DET guidelines.
- Monitoring student behaviour, enforcing behaviour standards, and implementing logical consequences for a failure to comply with the behaviour and safety standards
- Ensure that students who require first aid assistance receive it as soon as practicable

- Ensure that risk management plans and emergency management plans are implemented as necessary

Middle Gully Procedures

The Middle Gully teacher has ultimate responsibility for the supervision of all students in their care. No student should be left unsupervised within the grounds of Middle Gully. If assistance is required then communication between Middle Gully and the Office will be made via walkie talkies or mobile phones.

Teachers who are rostered for duty are responsible for remaining in Middle Gully until replaced by the next rostered duty teacher. During yard duty, supervising teachers should be guided by the following:

- The supervising teacher must ensure they have the MGR first aid bag and a charged walkie talkie. The matching walkie talkie is left on in the office or the staffroom where key persons can be contacted in case of an issue.
- Prior to entering Middle Gully students will be counted and recorded in the Middle Gully book, this is passed on to the next rostered yard duty teacher who will re-count the students on leaving Middle Gully to ensure all children are accounted for
- Students assemble around the oak tree on seats on arrival and are informed of designated play areas
- Designated stop sign is to be used by both duty teachers whilst crossing the road to ensure adequate safety protocols
- If a child is required to return to school grounds, the duty teacher will supervise the child/children to cross safely
- If children or a child arrives late to Middle Gully, they will be supervised to cross the road and added to the total number of children tallied. The yard duty teacher must inform the next teacher on duty at change over
- As the designated area is large in size, teachers are expected to methodically move around the area rather than remain static in the one position. This increases the ability to appropriately monitor student activity.
- Be alert and vigilant
- Intervene if potentially dangerous behaviour is observed in Middle Gully
- Enforce behaviour standards and implement logical consequences for breaches of safety rules
- Ensure that students who require first aid assistance receive it as soon as practicable

If the supervising teacher is unable to conduct yard duty at the designated time, he or she should contact the office and a change should be made and documented to ensure that alternative arrangements are made.

Middle Gully – Landcare Procedures

The teacher taking their class to Middle Gully has ultimate responsibility for the supervision of all students in their care and should be guided by the following:

- The supervising teacher must ensure they have the MGR first aid bag and a charged walkie talkie. The matching walkie talkie is left on in the office.
- The teacher must use the designated stop sign whilst crossing the road to ensure adequate safety protocols are in place

- No student should be left unsupervised within the grounds of Middle Gully during Landcare.
- If assistance is required then communication between Middle Gully and the Office will be made.
- During Landcare sessions when small groups are delegated to external educators, parents or trainee teachers, the teacher in charge of that class will rove between all groups to ensure safety and duty of care is maintained.

Middle Gully – Classroom Visits Procedures

The teacher taking their class to the Landcare session has ultimate responsibility for the supervision of all students in their care and should be guided by the following:

- The supervising teacher must ensure they have the MGR first aid bag and a charged walkie talkie. The matching walkie talkie is left on in the office.
- Prior to visiting Middle Gully classroom visits, office staff will be notified of time duration, total numbers and parent helpers.
- The teacher must use the designated stop sign whilst crossing the road to ensure adequate safety protocols are in place
- No student should be left unsupervised within the grounds of Middle Gully during the classroom visit.
- If further assistance is required during a classroom visit then communication between Middle Gully and the Office will be made.
- During classroom visits small groups are delegated to external educators, parents or trainee teachers the teacher in charge of that class is to ensure safety and duty of care.

External Providers

Staff at our school acknowledge that, as our duty of care is non-delegable, we are also required to take reasonable steps to reduce the risk of reasonably foreseeable harm when external providers have been engaged to plan for or conduct an activity involving our students. Our *Visitors Policy* and *Camps and Excursions Policy* include information on the safety and care of our students when engaged with external providers. Our School will follow all applicable Department of Education and Training policy and guidelines in relation to off-site learning and will ensure that the safety and welfare of the students engaging in these activities is paramount. The Department’s guidelines in relation to Workplace Learning are available at the following link:

[Structured Workplace Learning: Guidance | education.vic.gov.au](https://www.education.vic.gov.au/structured-workplace-learning/guidance)

FURTHER INFORMATION AND RESOURCES

- the Department’s Policy and Advisory Library: [Duty of Care](#)
- the Department’s Policy and Advisory Library: [Structured Workplace Learning](#)
- Macedon Primary School Website: [Macedon Primary School Policies](#)

REVIEW CYCLE

This policy was last updated on the 31st July 2024 and is scheduled for review in July 2026.

Version History

Date	Old wording	New wording
July 2024	The Department's guidelines in relation to Workplace Learning are available at the following link: https://www.education.vic.gov.au/school/principals/spag/curriculum/pages/workplace.aspx	The Department's guidelines in relation to Workplace Learning are available at the following link: Structured Workplace Learning: Guidance education.vic.gov.au Old link did not work